

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

FEDERAL REGISTER

VOLUME 32 • NUMBER 37

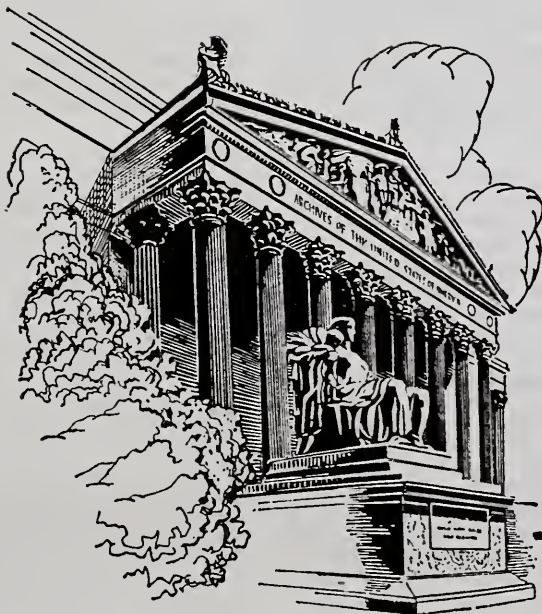
Friday, February 24, 1967 • Washington, D.C.

PART II

Department of Agriculture

Agricultural Research Service

Laboratory Animal
Welfare



Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—LABORATORY ANIMAL WELFARE

REGULATIONS AND STANDARDS

On December 15, 1966, there was published in the FEDERAL REGISTER (31 F.R. 16110) a notice of proposed rule making concerning the issuance of regulations and standards under the Act of August 24, 1966 (P.L. 89-544), commonly known as the Laboratory Animal Welfare Act. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of August 24, 1966, a new Subchapter A is hereby added to Chapter I of Title 9 of the Code of Federal Regulations, to be designated "Laboratory Animal Welfare," reading as follows:

PART 1—DEFINITIONS OF TERMS

§ 1.1 Definitions.

For the purposes of this subchapter, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Act of August 24, 1966 (P.L. 89-544), commonly known as the Laboratory Animal Welfare Act.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(d) "Division" means the Animal Health Division, Agricultural Research Service, of the Department.

(e) "Director" means the Director of the Division or any other official of the Division to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(f) "Veterinarian in Charge" means the Veterinarian who is assigned by the Director to supervise and perform the official work of the Division in a given State and who reports directly to the Director. As used in Part 2 of this subchapter, the Veterinarian in Charge shall be deemed to be the one in charge of the official work of the Division in the State in which the dealer or research facility has his principal place of business.¹

(g) "Division representative" means any inspector or other person employed full time by the Division who is responsible

for the performance of the function involved.

(h) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or a territory or possession of the United States.

(i) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(j) "Dog" means any live dog (*Canis familiaris*).

(k) "Cat" means any live cat (*Felis catus*).

(l) "Animal" means any live dog cat, nonhuman primate, guinea pig, hamster, or rabbit.

(m) "Nonhuman primate" means any nonhuman member of the highest order of mammals including prosimians, monkeys, and apes.

(n) "Research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments with animals.

(o) "Dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes.

(p) "Class 'A' dealer" means a dealer whose business involving dogs or cats includes only those dogs or cats that he breeds and raises as a closed or stable colony and dogs or cats that he acquires for the sole purpose of maintaining or enhancing his breeding colony.

(q) "Class 'B' dealer" means any dealer who does not meet the definition of Class "A" dealer.

(r) "Commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.

(s) "Licensee" means any person licensed as a dealer pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(t) "Registrant" means any research facility registered pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(u) "Standards" means the requirements with respect to the humane handling, care, treatment, and transportation of animals by dealers and research facilities set forth in Part 3 of this subchapter.

(v) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

(w) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

(x) "Sanitize" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health.

(y) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

(z) "Ambient temperature" means the temperature surrounding the animal.

(aa) "Nonconditioned dogs or cats" means dogs or cats which have not been subjected to special care and treatment for sufficient time to stabilize and, where necessary, to improve their health to make them suitable for research purposes.

(bb) "Dwarf hamster" means any species of hamster, such as the Chinese and Armenian species, whose adult body size is substantially less than that attained by the Syrian or Golden species of hamsters.

(Laboratory Animal Welfare Act of Aug. 24, 1966; P.L. 89-544)

PART 2—REGULATIONS

LICENSING

Sec.	
2.1	Application.
2.2	Acknowledgment of standards.
2.3	Demonstration of compliance with standards.
2.4	Issuance of licenses.
2.5	Duration of license.
2.6	Annual fees.
2.7	Notification of change of name, address, control or ownership of business.
2.8	Renewal and termination.
2.9	Officers, agents, and employees of licensees whose licenses have been suspended or revoked.
2.10	Licensees whose licenses have been suspended or revoked.

REGISTRATION

2.25	Requirements and procedures.
2.26	Acknowledgment of standards.
2.27	Notification of change of operation.

IDENTIFICATION OF DOGS AND CATS

2.50	Time and method of identification.
2.51	Form of official tag.
2.52	How to obtain tags.
2.53	Use of tags.
2.54	Lost tags.
2.55	Removal of tag.

RECORDS

2.75	Records, dealers.
2.76	Records, research facilities.
2.77	Records of disposition.

COMPLIANCE WITH STANDARDS AND HOLDING PERIOD

2.100	Compliance with standards.
2.101	Holding period.

MISCELLANEOUS

2.125	Information as to business; furnishing of by dealers and research facilities.
2.126	Inspection of records and property of dealers and research facilities.

¹ The name and address of the Veterinarian in Charge in the State concerned can be obtained by writing to the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

- 2.127 Publication of names of dealers and research facilities.
2.128 Inspection for missing animals.
2.129 Confiscation and destruction of animals.

AUTHORITY: The provisions of this Part 2 issued under Laboratory Animal Welfare Act of Aug. 24, 1966; P.L. 89-544.

LICENSING

§ 2.1 Application.

(a) Any person operating or desiring to operate as a dealer, except persons who are exempted from the licensing requirements under section 3 of the Act, shall apply for a license on a form which will be furnished, upon request, by the Veterinarian in Charge in the State in which such person operates or intends to operate. If such person operates in more than one State, he shall apply in the State in which he has his principal place of business. The completed application form shall be filed with such Veterinarian in Charge.

(b) Any person who is not a dealer but who desires to obtain a license, shall follow the requirements for dealers set forth in paragraph (a) of this section and in §§ 2.2 and 2.3 and shall agree in writing, on a form furnished by the Division, to comply with all the requirements of the Act and the provisions of this subchapter.

§ 2.2 Acknowledgment of standards.

A copy of the applicable standards will be supplied with each application for a license, and the applicant shall acknowledge receipt of such standards and agree to comply with them by signing a form provided for such purpose by the Division. Such form shall be filed with the application for a license.

§ 2.3 Demonstration of compliance with standards.

Each applicant must demonstrate that his facilities comply with the standards set forth in Part 3 of this subchapter. In connection therewith, the applicant must make his facilities available at a time or times mutually agreeable to said applicant and the Division for inspection by a Division representative for the purpose of ascertaining compliance with said standards. If the applicant's facilities do not meet the requirements of the standards, the applicant will be advised of existing deficiencies and the corrective measures that must be taken before such facilities will be in compliance with the standards.

§ 2.4 Issuance of licenses.

A license will be issued to any applicant when the requirements of §§ 2.1, 2.2, and 2.3 have been met, when the Secretary has determined that the applicant's facilities comply with the standards and when the applicant has submitted to the Veterinarian in Charge the fee prescribed in § 2.6 by certified check, cashier's check or money order.

§ 2.5 Duration of license.

A license issued under this part shall be valid and effective unless:

(a) Said license has been revoked or is suspended pursuant to section 19 of the Act.

(b) Said license is automatically terminated pursuant to § 2.8, or

(c) Said license is voluntarily terminated upon the request of the licensee.

§ 2.6 Annual fees.

(a) The amount of the annual license fee will be based on the total gross amount, expressed in dollars, derived from the sale of dogs and cats to research facilities and other dealers by the licensee or applicant during his preceding business year (calendar or fiscal) in the case of a person who operated during such year. In the case of an applicant for a license who operated during a substantial portion of his preceding business year but not the entire year, the annual license fee shall be computed by estimating the yearly volume of business on the basis of the business done during the period of operation. In the case of a person who has not so previously operated or has not so operated for a substantial part of the previous 12 months, the annual license fee will be based on the anticipated total gross amount, expressed in dollars, to be derived from the sale of dogs and cats to research facilities or other dealers.

(b) The license fee shall be computed in accordance with the following table:

Total gross dollar amount		Fee	
Over	But not over	Class "A" dealer	Class "B" dealer
\$0	\$2,000	\$15	\$15
2,000	10,000	25	50
10,000	25,000	100	200
25,000	50,000	150	300
50,000	100,000	200	500
100,000	500,000	250	750
500,000	-----	300	1,000

(c) In any situation in which an applicant for a license demonstrates to the satisfaction of the Secretary that his operations during his preceding business year or substantial portion thereof, as the case may be, will not be representative of his operations during the license period, the Secretary shall base the license fee upon the anticipated operations demonstrated by the applicant.

§ 2.7 Notification of change of name, address, control or ownership of business.

A licensee shall promptly notify the Veterinarian in Charge of any change in the name, address, management or substantial control or ownership of his business or operation.

§ 2.8 Renewal and termination.

(a) Each year within 30 days prior to the anniversary date of his license, a licensee shall file with the Veterinarian in Charge a report, upon a form which will be furnished to him upon request, setting forth the gross dollar amount derived from the sale of dogs and cats to research facilities and other dealers during his preceding business year and such

other information as may be requested thereon.

(b) Each license shall automatically terminate on its anniversary date unless on or before such date the report provided for in paragraph (a) of this section and the fee, by certified check, cashier's check, or money order, as set forth in § 2.6, have been filed with the Veterinarian in Charge. If such report and fee are not filed by the anniversary date, the licensee may obtain reinstatement of his license at any time within 30 days after such anniversary date by paying an additional fee of \$10.

§ 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.

Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

§ 2.10 Licensees whose licenses have been suspended or revoked.

Any person whose license has been suspended or revoked will not again be licensed in his own name or in any other manner within the period during which the order of suspension or revocation is in effect, and no partnership, firm or corporation in which any such person has a substantial financial interest will be licensed during said period.

REGISTRATION

§ 2.25 Requirements and procedures.

Each research facility shall register with the Secretary by completing and filing a properly executed form which will be furnished, upon request, by the Veterinarian in Charge. Such registration form shall be filed with such Veterinarian in Charge. Where a school or department of a university or college uses or intends to use dogs or cats for research, tests, or experiments, the university or college rather than the school or department will generally be considered the research facility and be required to register with the Secretary. In any situation in which a school or department of a university or college is a separate legal entity and its operations and administration are independent of those of the university or college, upon a proper showing thereof to the Secretary, the school or department will be registered rather than the university or college. A subsidiary of a business corporation, rather than the parent corporation, will be registered as a research facility unless the subsidiary is under such direct control of the parent corporation that to effectuate the purposes of the Act the Secretary determines that it is necessary that the parent corporation be registered.

§ 2.26 Acknowledgment of standards.

A copy of the applicable standards will be supplied with each registration form and the registrant shall acknowledge receipt of such standards and agree to

comply with them by signing a form provided for such purpose by the Division. Such form shall be filed with the Veterinarian in Charge.

§ 2.27 Notification of change of operation.

A registrant shall promptly notify the Veterinarian in Charge of any change in his name or address or any change in his operations which would affect his status as a research facility.

IDENTIFICATION OF DOGS AND CATS

§ 2.50 Time and method of identification.

(a) Except as otherwise provided in this section, when a Class "A" dealer sells or otherwise removes dogs or cats from his premises for delivery to a research facility or to another dealer, each such dog or cat shall be identified by an official tag of the type described in § 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats: *Provided, however,* That no official tag need be affixed to any such dog that has been identified by means of a distinctive and legible tattoo marking acceptable to the Director.

(b) Except as otherwise provided in this section, when a Class "B" dealer purchases or otherwise acquires a dog or cat he shall immediately affix to such animal's neck an official tag of the type described in § 2.51 by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats: *Provided, however,* That if such dog or cat is already identified with an official tag which has been applied by a previous dealer, he shall not remove such previously attached tag, but shall treat it as if he had applied it himself.

(c) When any dealer has made a reasonable effort to affix an official tag to an adult cat as set forth in paragraphs (a) and (b) of this section and has been unable to do so, or when the cat exhibits extreme distress from the attachment of a collar and tag, the dealer shall attach the collar and tag to the door of the primary enclosure containing the cat and take proper measures to maintain the identity of the cat in relation to the tag.

(d) Unweaned puppies or kittens need not be individually identified as required by paragraphs (a) and (b) of this section while they are maintained as a litter with their dam provided she has been so identified.

¹In general, well fitted collars made of leather or plastic will be acceptable under this provision. The use of certain types of chains presently used by some dealers may also be deemed acceptable. A determination of the acceptability of a material proposed for usage as collars from the standpoint of humane considerations will be made by the Division on an individual basis in consultation with dealers. The use of materials such as wire or elastic that might readily cause discomfort or injury to dogs or cats will not be acceptable.

§ 2.51 Form of official tag.

The official tag shall be made of a durable alloy such as brass, bronze, or steel or of a durable plastic. Such tag shall be circular in shape and not less than 1¼ inches in diameter. Each tag shall be embossed or stamped with the letters "USDA", and numbers and letters identifying the State, dealer, and animal, as set forth in Figure 1. Such tags shall be serially numbered and there shall be no duplication of numbers by any one dealer within a period of 3 years.

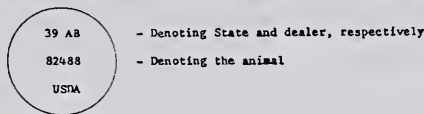


Figure 1

§ 2.52 How to obtain tags.

Dealers may obtain, at their own expense, official tags from commercial tag manufacturers. At the time a dealer is issued a license the Department will assign him dealer identification letters and inform him of the State number to be used on his official tags.

§ 2.53 Use of tags.

Official tags obtained by a dealer shall be applied to dogs or cats in the manner set forth in § 2.50 and in as near consecutive numerical order as possible. No tag shall be used to identify more than one animal.

§ 2.54 Lost tags.

Each dealer shall account for all official tags that he acquires. In the event an official tag is lost from the neck of a dog or cat while in the possession of a dealer a diligent effort shall be made to locate and reapply such tag to the proper animal. If the lost tag is not located, the dealer shall affix another official tag to the animal in the manner prescribed in § 2.50.

§ 2.55 Removal of tag.

(a) Upon arrival at a research facility of a dog or cat wearing or identified by an official tag, such tag shall be removed and retained by the research facility: *Provided, however,* That at the discretion of the research facility such tag may be used to continue the identification of such dog or cat.

(b) If a dealer or research facility finds it necessary to humanely dispose of a dog or cat to which is affixed or which is identified by an official tag, or upon the death of such dog or cat from other causes, the dealer or research facility shall remove and retain such tag.

(c) All official tags removed and retained by a dealer or research facility shall be held until called for by a Division representative or for a period not to exceed 1 year.

²A list of the commercial manufacturers who produce such tags, known to the Department, may be obtained from the Veterinarian in Charge. Any manufacturer who desires to be included in such list should notify the Director.

RECORDS

§ 2.75 Records, dealers.

In connection with each dog and cat purchased or otherwise acquired, held, transported, or sold or otherwise disposed of, a dealer shall keep and maintain the following information on the forms supplied and in the manner prescribed by the Division:

(a) The name and address of the person from whom acquired, and the person to whom sold or otherwise disposed of, and his license number if licensed as a dealer;

(b) The dates of acquisition and disposition;

(c) The description and identification of the animals, including the official tag number or tattoo number as affixed pursuant to §§ 2.50 and 2.54.

(d) When dogs or cats are sold by a dealer, the method of transportation of such animals and (1) the name of the common carrier or (2) the license number or other identification of the means of conveyance and the name and address of the driver of the means of conveyance; and

(e) The nature and method of disposition, e.g., sale, death, euthanasia, or donation.

§ 2.76 Records, research facilities.

(a) In connection with each dog and cat purchased or otherwise acquired, a research facility shall keep and maintain the following information on the forms supplied and in the manner prescribed by the Division:

(1) The name and address of the person from whom such animal was purchased or acquired, and his license number if licensed as a dealer;

(2) The date acquired; and

(3) The description and identification of such animal, including the official tag number or tattoo number, if one is affixed, and any identification number or letter assigned to the animal by such research facility.

(b) In connection with all dogs and cats transported, sold, or otherwise disposed of by a research facility to another person, such research facility shall keep and maintain, on forms supplied and in the manner prescribed by the Division:

(1) The name and address of the person to whom the animal is transported, sold, or otherwise disposed of;

(2) The date of such sale or disposition;

(3) The method of transportation; and

(4) The name of the common carrier, or the identification of the means of conveyance and the name and address of the driver of such means of conveyance.

§ 2.77 Records disposition.

(a) Except as otherwise provided in paragraph (b) of this section, no dealer or research facility shall, within a period of 1 year from the making thereof, destroy or dispose of, without the consent in writing of the Director, any books, records, documents or other papers re-

quired to be kept and maintained under this part.

(b) The records required to be kept and maintained under this part shall be held for such period in excess of the 1 year period specified in paragraph (a) of this section as may be required to comply with any Federal, State, or local law. When the Director notifies a dealer or research facility in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, such dealer or research facility shall hold such records until their disposition is authorized by the Director.

COMPLIANCE WITH STANDARDS AND HOLDING PERIOD

§ 2.100 Compliance with standards.

Each dealer and research facility shall comply in all respects with the standards set forth in Part 3 of this subchapter setting forth the standards for the humane handling, care, treatment and transportation of animals: *Provided, however,* That such standards shall not apply to the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

§ 2.101 Holding period.

(a) All dogs and cats acquired by a dealer shall be held by him, under his supervision and control, for a period of 5 business days after the acquisition of such animals: *Provided, however,* That dogs or cats suffering from disease, emaciation or injury may be destroyed by euthanasia prior to the expiration of the 5-day holding period. Business day shall mean any day of the week during which the dealer normally operates his business.

(b) If the dealer obtains the prior approval of the Veterinarian in Charge, he may arrange to have another person hold such animals for him for the 5-day period provided for in paragraph (a) of this section: *Provided, however,* That such other person agrees in writing to comply with the Standards in Part 3 of this subchapter, and to allow inspection by a Division representative of his premises: *And provided further,* That the dogs and cats still remain under the control of the dealer.

MISCELLANEOUS

§ 2.125 Information as to business; furnishing of by dealers and research facilities.

Each dealer and research facility shall furnish to Division representatives, any information concerning the business of the dealer or research facility which may be requested by them in connection with the enforcement of the provisions of the Act, the regulations and the Standards in this subchapter, within such reasonable time as may be specified in the request for such information.

§ 2.126 Inspection of records and property of dealers and research facilities.

Each dealer and research facility shall, upon request, during ordinary business hours, permit Division representatives,

or other Federal officers or employees designated by the Secretary to enter his place of business to examine records required to be kept by the Act and the regulations in this Part, and to make copies of such records, and permit Division representatives to enter his place of business, to inspect such property and animals as such representatives consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter. The use of a room, table, or other facilities necessary for the proper examination of such records and inspection of such property or animals shall be extended to such authorized representatives of the Secretary by the dealer or research facility, his agents and employees.

§ 2.127 Publication of names of dealers and research facilities.

Lists of persons licensed as dealers and lists of research facilities which are registered, pursuant to the provisions of this part, shall be published periodically by the Division in the FEDERAL REGISTER. Such lists may also be obtained upon request from the Veterinarian in Charge.

§ 2.128 Inspection for missing animals.

(a) Each licensed dealer and each research facility shall, upon request, during ordinary business hours, permit, under the following conditions, police or law officers of legally constituted law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal regulations) to enter the place of business of such dealer or research facility to inspect animals and records for the purpose of seeking animals that are missing:

(1) The police or law officer shall furnish to the dealer or research facility a written description of the missing animal and the name and address of its owner; and

(2) The police or law officer shall abide by all security measures required by the dealer or research facility to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required.

(b) Such inspection shall not extend to animals that are undergoing actual research or experimentation as determined by such research facility.

§ 2.129 Confiscation and destruction of animals.

If an animal being held by a dealer, or an animal being held by a research facility which is no longer required by such research facility to carry out the research test or experiment for which it has been utilized, is found by a Division representative to be suffering as a result of the failure of the dealer or research facility to comply with any provision of the Act or any provision of the regulations or the standards set forth in this subchapter, the Division representative shall notify the dealer or research facility of the condition of such animal and request that the condition be corrected and that adequate veterinary care be given when necessary to alleviate the

animal's suffering, or that the animals be destroyed by euthanasia. In the event that the dealer or research facility refuses to comply with such request, the Division representative may confiscate and destroy such animal by euthanasia if in the opinion of the Director the circumstances warrant such action.

PART 3—STANDARDS

Subpart A—Specifications for the Human Handling, Care, Treatment, and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

- Sec.
- 3.1 Facilities, general.
- 3.2 Facilities, indoor.
- 3.3 Facilities, outdoor.
- 3.4 Primary enclosure.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.5 Feeding.
- 3.6 Watering.
- 3.7 Sanitation.
- 3.8 Employees.
- 3.9 Classification and separation.
- 3.10 Veterinary care.

TRANSPORTATION STANDARDS

- 3.11 Vehicles.
- 3.12 Primary enclosure used to transport dogs and cats.
- 3.13 Food and water requirements.
- 3.14 Care in transit.

Subpart B—Specifications for the Human Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

- 3.25 Facilities, general.
- 3.26 Facilities, indoor.
- 3.27 Facilities, outdoor.
- 3.28 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.29 Feeding.
- 3.30 Watering.
- 3.31 Sanitation.
- 3.32 Employees.
- 3.33 Classification and separation.
- 3.34 Veterinary care.

TRANSPORTATION STANDARDS

- 3.35 Vehicles.
- 3.36 Primary enclosures used to transport guinea pigs and hamsters.
- 3.37 Feed and water requirements.
- 3.38 Care in transit.

Subpart C—Specifications for the Humane Handling, Care, Treatment and Transportation of Rabbits

FACILITIES AND OPERATING STANDARDS

- 3.50 Facilities, general.
- 3.51 Facilities, indoor.
- 3.52 Facilities, outdoor.
- 3.53 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.54 Feeding.
- 3.55 Watering.
- 3.56 Sanitation.
- 3.57 Employees.
- 3.58 Classification and separation.
- 3.59 Veterinary care.

TRANSPORTATION STANDARDS

- 3.60 Vehicles.
- 3.61 Primary enclosures used to transport rabbits.
- 3.62 Food and water requirements.
- 3.63 Care in transit.

Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates

FACILITIES AND OPERATING STANDARDS

- 3.75 Facilities, general.
- 3.76 Facilities, indoor.
- 3.77 Facilities, outdoor.
- 3.78 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.79 Feeding.
- 3.80 Watering.
- 3.81 Sanitation.
- 3.82 Employees.
- 3.83 Classification and separation.
- 3.84 Veterinary care.
- 3.85 Vehicles.
- 3.86 Primary enclosures used to transport nonhuman primates.
- 3.87 Food and water requirements.
- 3.88 Care in transit.

AUTHORITY: The provisions of this Part 3 issued under Laboratory Animal Welfare Act of Aug. 24, 1966; P.L. 89-544.

Subpart A—Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

§ 3.1 Facilities, general.

(a) *Structural strength.* Housing facilities for dogs or cats shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washrooms and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.2 Facilities, indoor.

(a) *Heating.* Indoor housing facilities for dogs or cats shall be sufficiently heated when necessary to protect the dogs or cats from cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50° F. for dogs and cats not acclimated to lower temperatures.

(b) *Ventilation.* Indoor housing facilities for dogs or cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture con-

densation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85° F. or higher.

(c) *Lighting.* Indoor housing facilities for dogs or cats shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the dogs or cats from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

§ 3.3 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun.

(b) *Shelter from rain or snow.* Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for all dogs and cats kept outdoors when the atmospheric temperature falls below 50° F. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which a dog or cat is acclimated.

(d) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

§ 3.4 Primary enclosures.

All primary enclosures for dogs and cats shall conform to the following requirements:

(a) *General—(1) Requirements for primary enclosures for dogs and cats.*

(i) Primary enclosures shall be structurally sound and maintained in good repair to protect the dogs and cats from injury, to contain them, and to keep predators out.

(ii) Primary enclosures shall be constructed and maintained so as to enable the dogs and cats to remain dry and clean.

(iii) Primary enclosures shall be constructed and maintained so that the dogs or cats contained therein have convenient access to clean food and water as required in this subpart.

(iv) The floors of the primary enclosures shall be constructed so as to protect the dogs' and cats' feet and legs from injury.

(2) *Additional requirements for primary enclosures housing cats.* (i) In all enclosures having a solid floor, a receptacle containing sufficient clean litter shall be provided to contain excreta.

(ii) Each primary enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the primary enclosure at the same time. Such resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(b) *Space requirements—(1) Dogs and cats.* Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each dog and cat to turn about freely and to easily stand, sit and lie in a comfortable normal position.

(2) *Dogs.* (i) In addition to the provisions of subparagraph (1) of this paragraph, each dog housed in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus 6 inches, expressed in square feet.⁴ Not more than 12 adult nonconditioned dogs shall be housed in the same primary enclosure.

(ii) *Dog houses with chains.* If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well fitted collar. Such chains shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house.

(3) *Cats.* In addition to the provisions of subparagraph (1) of this paragraph, each adult cat housed in any primary enclosure shall be provided a minimum of 2½ square feet of floor space. Not more than 12 adult nonconditioned cats shall be housed in the same primary enclosure.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.5 Feeding.

(a) Dogs and cats shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from

⁴ This requirement may be computed by using the following equation:

$$\frac{(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6)}{144} = \text{Required square feet of floor space}$$

contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(b) Food receptacles shall be accessible to all dogs and cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be sanitized at least once every 2 weeks. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

§ 3.6 Watering.

If potable water is not accessible to the dogs and cats at all times, potable liquids shall be offered to such animals at least twice daily for periods of not less than 1 hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean and shall be sanitized at least once every 2 weeks.

§ 3.7 Sanitation.

(a) *Cleaning of primary enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure commonly known as a cage, any dog contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) *Sanitization of primary enclosures.*

(1) Prior to the introduction of nonconditioned dogs or cats into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(2) Primary enclosures for dogs or cats shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard: *Provided, however,* That such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (3) of this paragraph.

(3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by washing them with hot water (180° F.) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt shall be sanitized by removing the soiled gravel, sand, or dirt and replacing it as necessary.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.8 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.9 Classification and separation.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

(b) Any dog or cat exhibiting a vicious disposition shall be housed individually in a primary enclosure.

(c) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.

(d) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

(e) Dogs or cats under quarantine or treatment for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

§ 3.10 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held: *Provided, however,* That the provision shall not effect compliance with any State or local law requiring the holding, for a specified period, of animals suspected of being diseased.

TRANSPORTATION STANDARDS

§ 3.11 Vehicles.

(a) Vehicles used in transporting dogs or cats shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

§ 3.12 Primary enclosures used to transport dogs and cats.

(a) Primary enclosures, such as compartments or transport cages, cartons or crates, used to transport dogs or cats, shall be well-constructed and well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animals and (3) the animals are afforded adequate protection from the elements. The temperature within such enclosures shall not be allowed to exceed the atmospheric temperature. Moreover, the ambient temperature shall not be allowed to exceed 95° F. at any time nor exceed 85° F. for a period of more than 4 hours, nor be allowed at any time to fall below 45° F. unless the animals are acclimated to lower temperatures.

(b) Animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Puppies or kittens shall not be transported in the same primary enclosures with adult dogs or cats other than their dams. Any dog or cat exhibiting a vicious disposition shall be transported individually in a primary enclosure. Any female dog or cat in season (estrus) shall not be transported in the same primary enclosure with any male.

(c) Primary enclosures used to transport dogs or cats shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect, and to lie in a natural position.

(d) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(e) Primary enclosures used to transport dogs or cats shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

§ 3.13 Food and water requirements.

(a) If dogs or cats are transported for a period of more than 12 hours:

(1) The vehicle shall stop at least once every 12 hours, and remain stopped for a period of at least 1 hour, during which time potable water shall be continuously provided for the dogs and cats.

(2) Each adult dog and cat shall be fed at least once in each 24-hour period. Puppies and kittens shall have food made available to them every 6 hours.

(b) Dogs shall be removed from the vehicle and given fresh water and an opportunity for exercise if they have been confined in the vehicle for a period of 36 hours.

§ 3.14 Care in transit.

It shall be the responsibility of the attendant or driver to inspect the animals

frequently to determine whether they need emergency veterinary care and if so, to obtain such care at the earliest opportunity.

Subpart B—Specifications for the Humane Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

§ 3.25 Facilities, general.

(a) *Structural strength.* Housing facilities for guinea pigs or hamsters shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against spoilage or deterioration and infestation or contamination by vermin. Food supplies shall be stored in containers with tightly fitting lids or covers or in the original containers as received from the commercial sources of supply. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.26 Facilities, indoor.

(a) *Heating.* Indoor housing facilities for guinea pigs or hamsters shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 60° F. nor to exceed 85° F.

(b) *Ventilation.* Indoor housing facilities for guinea pigs or hamsters shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning, and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to rise above 85° F.

(c) *Lighting.* Indoor housing facilities for guinea pigs or hamsters shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect

the guinea pigs or hamsters from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

§ 3.27 Facilities, outdoor.

(a) Hamsters shall not be housed in outdoor facilities.

(b) Guinea pigs shall not be housed in outdoor facilities unless such facilities are located in an appropriate climate and prior approval for such outdoor housing is obtained from the Director.

§ 3.28 Primary enclosures.

All primary enclosures for guinea pigs and hamsters shall conform to the following requirements:

(a) *General.* (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs and hamsters from injury. Such enclosures, including their racks, shelving and other accessories, shall be constructed of smooth material substantially impervious to liquids and moisture.

(2) Primary enclosures shall be constructed and maintained so that the guinea pigs or hamsters contained therein have convenient access to clean food and water as required in this subpart.

(3) Primary enclosures having a solid floor shall be provided with clean bedding material.

(4) Primary enclosures equipped with mesh or wire floors shall be so constructed as to allow feces to pass through the spaces of the mesh or wire: *Provided, however,* That such floors shall be constructed so as to protect the animals' feet and legs from injury.

(b) *Space requirements.*—(1) *Guinea pigs and hamsters.* Primary enclosures shall be constructed and maintained so as to provide sufficient space for each animal contained therein to make normal postural adjustments with adequate freedom of movement.

(2) *Guinea pigs.* In addition to the provisions of subparagraph (1) of this paragraph, the following space requirements are applicable to primary enclosures for guinea pigs:

(i) The interior height of any primary enclosure used to confine guinea pigs shall be at least 6½ inches.

(ii) Each guinea pig housed in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Weight or stage of maturity	Minimum space per guinea pig (square inches)
Weaning to 350 grams.....	60
350 grams or more.....	90
Breeders.....	180

(3) *Hamsters.* In addition to the provisions of subparagraph (1) of this paragraph the following space requirements are applicable to primary enclosures for hamsters:

(i) The interior height of any primary enclosure used to confine hamsters shall be at least 5½ inches, except that in the case of dwarf hamsters, such interior height shall be at least 5 inches.

(ii) A nursing female hamster, together with her litter, shall be housed in a primary enclosure which contains no other hamsters and which provides at least 121 square inches of floor space: *Provided, however,* That in the case of dwarf hamsters such floor space shall be at least 25 square inches.

(iii) The minimum amount of floor space per individual hamster and the maximum number of hamsters allowed in a single primary enclosure, except as provided for nursing females in subdivision (ii) of this subparagraph, shall be in accordance with the following table:

Age	Minimum space per hamster (square inches)	Maximum population per enclosure
Weaning to 5 weeks.....	<i>Dwarf</i> 5.0 <i>Other</i> 10.0	20
5 to 10 weeks.....	7.5 12.5	14
10 weeks or more.....	9 15.0	13

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.29 Feeding.

(a) Guinea pigs and hamsters shall be fed each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the guinea pig or hamster.

(b) Food comprising the basic diet shall be at least equivalent in quality and content to pelleted rations produced commercially and commonly available from feed suppliers.

(c) The basic diet of guinea pigs and hamsters may be supplemented with good quality fruits or vegetables consistent with their individual dietary requirements.

(d) Food receptacles, if used, shall be accessible to all guinea pigs or hamsters in a primary enclosure and shall be located so as to minimize contamination by excreta. All food receptacles shall be kept clean and shall be sanitized at least once every 2 weeks. If self-feeders are used for the feeding of pelleted feed, measures must be taken to prevent molding, deterioration or caking of the feed. Hamsters may be fed pelleted feed on the floor of a primary enclosure.

(e) Fruit or vegetable food supplements may be placed upon the bedding within the primary enclosure: *Provided, however,* That the uneaten portion of such supplements and any bedding soiled as a result of such feeding practices shall be removed from the primary enclosure when such uneaten supplements accumulate or such bedding becomes soiled to a degree that might be harmful or uncomfortable to animals therein.

§ 3.30 Watering.

Unless food supplements consumed by guinea pigs or hamsters supply them with their normal water requirements, potable water shall be provided daily except as might otherwise be required to provide adequate veterinary care. Open containers used for dispensing water to guinea pigs or hamsters shall be so placed in or attached to the primary enclosure as to minimize contamination from excreta. All watering receptacles shall be sanitized when dirty: *Provided, however*, That such receptacles shall be sanitized at least once every 2 weeks.

§ 3.31 Sanitation.

(a) *Cleaning and sanitation of primary enclosures.* (1) Primary enclosures shall be cleaned and sanitized often enough to prevent an accumulation of excreta or debris: *Provided, however*, That such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (4) of this paragraph.

(2) In the event a primary enclosure becomes soiled or wet to a degree that might be harmful or uncomfortable to the animals therein due to leakage of the watering system, discharges from dead or dying animals, spoiled perishable foods, or moisture condensation, the guinea pigs or hamsters shall be transferred to clean primary enclosures.

(3) Prior to the introduction of guinea pigs or hamsters into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (4) of this paragraph.

(4) Primary enclosures for guinea pigs or hamsters shall be sanitized by washing them with hot water (180° F.) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam.

(b) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(c) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.32 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.33 Classification and separation.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Except where harem breeding is practiced, preweanling guinea pigs shall not be housed in the same primary en-

closure with adults other than their parents.

(b) Guinea pigs shall not be housed in the same primary enclosure with hamsters, nor shall guinea pigs or hamsters be housed in the same primary enclosure with any other species of animals.

(c) Guinea pigs or hamsters under quarantine or treatment for a communicable disease shall be separated from other guinea pigs or hamsters and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

§ 3.34 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each guinea pig and hamster shall be observed at least every 48 hours by the animal caretaker in charge, or by someone under his direct supervision, for evidence of disease or injury. Sick or diseased, injured, lame, or blind guinea pigs or hamsters shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held.

TRANSPORTATION STANDARDS

§ 3.35 Vehicles.

(a) Vehicles used in transporting guinea pigs or hamsters shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

§ 3.36 Primary enclosures used to transport guinea pigs and hamsters.

(a) Primary enclosures, such as cartons, boxes, or transport cages, used to transport guinea pigs or hamsters shall be well-constructed, well-ventilated, and designed to protect the health and insure the safety of the animals. Any such primary enclosures which cannot be readily sanitized shall be constructed of new material and shall be discarded after one usage. Any such primary enclosures which may be readily sanitized may be reused but shall be sanitized prior to the introduction of guinea pigs or hamsters for shipment. All primary enclosures used to transport guinea pigs or hamsters shall be positioned in the vehicle in such a manner that each animal in the vehicle has access to sufficient air for normal breathing. The ambient temperature shall not be allowed to exceed 85° F. nor fall below 60° F.

(b) Animals transported in the same primary enclosure shall be of the same species and in compatible groups.

(c) Primary enclosures used to transport guinea pigs or hamsters shall be large enough to insure that each animal contained therein has sufficient space

to turn about freely and to make normal postural adjustments.

(d) Not more than 15 guinea pigs shall be transported in the same primary enclosure. Not more than 25 hamsters shall be transported in the same primary enclosure.

(e) In addition to the other provisions of this section, the following requirements shall also apply to primary enclosures used to transport guinea pigs or hamsters:

(1) *Guinea pigs.* (i) The interior height of primary enclosures used to transport guinea pigs shall be at least 8 inches.

(ii) Each guinea pig transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Minimum space per guinea pig (square inches)	
(Weight (grams))	
Up to 350	30
350 to 600	45
Over 600	55

(2) *Hamsters.* (i) The interior height of primary enclosures used to transport hamsters shall be at least 6 inches except that in the case of dwarf hamsters such interior height shall be at least 5 inches.

(ii) Each hamster transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Age	Minimum space per hamster (square inches)	
	Dwarf	Other
Weaning to 5 weeks	5	7.0
5 to 10 weeks	7.5	11.0
Over 10 weeks	9	15.0

§ 3.37 Feed and water requirements.

If guinea pigs or hamsters are transported for a period of more than 6 hours, the animals shall be fed the quantity and quality of fruits or vegetables sufficient to satisfy their food and water needs during transit.

§ 3.38 Care in transit.

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

Subpart C—Specifications for the Humane Handling, Care, Treatment and Transportation of Rabbits

FACILITIES AND OPERATING STANDARDS

§ 3.50 Facilities, general.

(a) *Structural strength.* Housing facilities for rabbits shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which

adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.51 Facilities, indoor.

(a) *Heating.* Indoor housing facilities for rabbits need not be heated.

(b) *Ventilation.* Indoor housing facilities for rabbits shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85° F. or higher.

(c) *Lighting.* Indoor housing facilities for rabbits shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the rabbits from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

§ 3.52 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all rabbits kept outdoors to protect themselves from the direct rays of the sun. When the atmospheric temperature exceeds 90° F. artificial cooling shall be provided by a sprinkler system or other means.

(b) *Shelter from rain or snow.* Rabbits kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for all rabbits kept outdoors when the atmospheric temperature falls below 40° F.

(d) *Protection from predators.* Outdoor housing facilities for rabbits shall be fenced or otherwise enclosed to minimize the entrance of predators.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

§ 3.53 Primary enclosures.

All primary enclosures for rabbits shall conform to the following requirements:

(a) *General.* (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the rabbits from injury, to contain them, and to keep predators out.

(2) Primary enclosures shall be constructed and maintained so as to enable the rabbits to remain dry and clean.

(3) Primary enclosures shall be constructed and maintained so that the rabbits contained therein have convenient access to clean food and water as required in this subpart.

(4) The floors of the primary enclosures shall be constructed so as to protect the rabbits' feet and legs from injury. Litter shall be provided in all primary enclosures having solid floors.

(5) A suitable nest box containing clean nesting material shall be provided in each primary enclosure housing a female with a litter less than one month of age.

(b) *Space requirements.* Primary enclosures shall be constructed and maintained so as to provide sufficient space for the animal to make normal postural adjustments with adequate freedom of movement. Each rabbit housed in a primary enclosure shall be provided a minimum amount of floor space, exclusive of the space taken up by food and water receptacles, in accordance with the following table:

Category	Individual weights (pounds)	Minimum space per rabbit (square inches)
Groups-----	3 through 5-----	144
	6 through 8-----	288
	9 or more-----	432
Individual adults-----	3 through 5-----	180
	6 through 8-----	360
	9 through 11-----	540
Nursing females-----	12 or more-----	720
	3 through 5-----	576
	6 through 8-----	720
	9 through 11-----	864
	12 or more-----	1080

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.54 Feeding.

(a) Rabbits shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the rabbit.

(b) Food receptacles shall be accessible to all rabbits in a primary enclosure and shall be located so as to minimize contamination by excreta. All food receptacles shall be kept clean and sanitized at least once every 2 weeks. If self feeders are used for the feeding of dry feed, measures must be taken to prevent molding, deterioration or caking of the feed.

§ 3.55 Watering.

Sufficient potable water shall be provided daily except as might otherwise be required to provide adequate veterinary care. All watering receptacles shall be sanitized when dirty: *Provided, however,*

That such receptacles shall be sanitized at least once every 2 weeks.

§ 3.56 Sanitation.

(a) *Cleaning of primary enclosures.* (1) Primary enclosures shall be kept reasonably free of excreta, hair, cobwebs and other debris by periodic cleaning. Measures shall be taken to prevent the wetting of rabbits in such enclosures if a washing process is used.

(2) In primary enclosures equipped with solid floors, soiled litter shall be removed and replaced with clean litter at least once each week.

(3) If primary enclosures are equipped with wire or mesh floors, the troughs or pans under such enclosures shall be cleaned at least once each week. If worm bins are used under such enclosures they shall be maintained in a sanitary condition.

(b) *Sanitization of primary enclosures.* (1) Primary enclosures for rabbits shall be sanitized at least once every 30 days in the manner provided in subparagraph (3) of this paragraph.

(2) Prior to the introduction of rabbits into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(3) Primary enclosures for rabbits shall be sanitized by washing them with hot water (180° F.) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam or flame.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.57 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.58 Classification and separation.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Rabbits shall not be housed in the same primary enclosure with any other species of animals unless required for scientific reasons.

(b) Rabbits under quarantine or treatment for a communicable disease shall be separated from other rabbits and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

§ 3.59 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate

veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each rabbit shall be observed at least every 48 hours by the animal caretaker in charge, or by someone working under his direct supervision, for evidence of disease or injury. Sick or diseased, injured, lame or blind rabbits shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held.

TRANSPORTATION STANDARDS

§ 3.60 Vehicles.

(a) Vehicles used in transporting rabbits shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

§ 3.61 Primary enclosures used to transport rabbits.

(a) Primary enclosures, such as compartments or transport cages, cartons or crates, used to transport rabbits, shall be well-constructed, well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animals, and (3) the animals are afforded adequate protection from the elements. The ambient temperature shall not be allowed to exceed 85° F. nor fall below that temperature to which the animals are acclimated.

(b) Rabbits transported in the same primary enclosure shall be in compatible groups and shall not be transported in the same primary enclosures with other species of animals.

(c) Primary enclosures used to transport rabbits shall be large enough to insure that each rabbit contained therein has sufficient space to turn about freely, and to make normal postural adjustments. Not more than 15 rabbits shall be transported in the same primary enclosure.

(d) Rabbits shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(e) Primary enclosures used to transport rabbits shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

§ 3.62 Food and water requirements.

If rabbits are transported for a period of more than 6 hours, they shall be pro-

vided with food and water. This requirement may be met by providing feedstuff and water, or the quantity and quality of vegetables, sufficient to satisfy their food and water needs during transit.

§ 3.63 Care in transit.

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates⁵

FACILITIES AND OPERATING STANDARDS

§ 3.75 Facilities, general.

(a) *Structural strength.* The housing facilities for nonhuman primates shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.76 Facilities, indoor.

(a) *Heating.* Indoor housing facilities for nonhuman primates shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50° F.

(b) *Ventilation.* Indoor housing facilities for nonhuman primates shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

⁵ Nonhuman primates include a great diversity of forms, ranging from the marmoset weighing only a few ounces, to the adult gorilla weighing hundreds of pounds. They come from Asia, Africa, and Central and South America, and they live in different habitats. Their nutritional and activity requirements differ as do their social and environmental requirements. As a result, the conditions appropriate for one species do not necessarily apply to another; therefore, discretion must be used in interpreting these standards.

Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85° F. or higher.

(c) *Lighting.* Indoor housing facilities for nonhuman primates shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the nonhuman primates from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

§ 3.77 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all nonhuman primates kept outdoors to protect themselves from the direct rays of the sun.

(b) *Shelter from rain or snow.* Nonhuman primates kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for all nonhuman primates kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and the nonhuman primate species concerned.

(d) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

§ 3.78 Primary enclosures.

All primary enclosures for nonhuman primates shall conform to the following requirements:

(a) *General.* (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the nonhuman primates from injury, to contain them, and to keep predators out.

(2) Primary enclosures shall be constructed and maintained so as to enable the nonhuman primates to remain dry and clean.

(3) Primary enclosures shall be constructed and maintained so that the nonhuman primates contained therein have convenient access to clean food and water as required in this subpart.

(4) The floors of the primary enclosures shall be constructed so as to protect the nonhuman primates from injury.

(b) *Space requirements.* (1) Primary enclosures shall be constructed and maintained so as to provide sufficient

space to allow each nonhuman primate to make normal postural adjustments with adequate freedom of movement.

(2) Each nonhuman primate housed in a primary enclosure shall be provided with a minimum floor space equal to an area of at least three times the area occupied by such primate when standing on four feet.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.79 Feeding.

(a) Nonhuman primates shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the nonhuman primate.

(b) Food, and food receptacles if used, shall be accessible to all nonhuman primates and shall be placed so as to minimize contamination by excreta. Food receptacles shall be kept clean and shall be sanitized at least once every 2 weeks. If self feeders are used, measures shall be taken to prevent molding, deterioration or caking of food.

§ 3.80 Watering.

If potable water is not accessible to the nonhuman primates at all times, such water shall be offered to them at least twice daily except as might otherwise be required to provide adequate veterinary care. All watering receptacles shall be kept clean and all such receptacles shall be sanitized at least once every 2 weeks.

§ 3.81 Sanitation.

(a) *Cleaning of primary enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the nonhuman primates contained therein and to reduce disease hazards and odors. When hosing or flushing methods are used for this purpose, measures shall be taken to prevent animals confined in such enclosures from being wetted involuntarily.

(b) *Sanitization of enclosures.* (1) Prior to the introduction of nonhuman primates into primary enclosures previously occupied by other nonhuman primates, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(2) Primary enclosures for nonhuman primates shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard: *Provided, however,* That such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (3) of this paragraph.

(3) Cages, rooms and hard surfaced pens or runs shall be sanitized either by washing them with hot water (180° F.) and soap or detergent, as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt, shall be sanitized by remov-

ing the soiled gravel, sand, or dirt and replacing it as necessary.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.82 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.83 Classification and separation.

Nonhuman primates housed in the same primary enclosure shall be maintained in compatible groups and shall not be housed in the same primary enclosure with animal species other than nonhuman primates.

§ 3.84 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each nonhuman primate shall be observed daily by the animal caretaker in charge or by someone working under his direct supervision. Sick or diseased, injured, lame, or blind nonhuman primates shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which the animal was obtained and is being held.

§ 3.85 Vehicles.

(a) Vehicles used in transporting nonhuman primates shall be mechanically sound and equipped to provide fresh air to all animals being transported, without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

§ 3.86 Primary enclosures used to transport nonhuman primates.

(a) Primary enclosures such as compartments, transport cages or crates, used to transport nonhuman primates shall be well-constructed, well-ventilated, and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animal and (3) the animals are afforded adequate protection from the elements. The tem-

perature within such enclosures shall not be allowed to exceed the atmospheric temperature. Moreover the ambient temperature shall not be allowed to exceed 85° F. for more than 4 hours continuously nor allowed to fall below 45° F.

(b) Nonhuman primates transported in the same primary enclosure shall be in compatible groups and shall not be transported in the same primary enclosures with other species of animals.

(c) Primary enclosures used to transport nonhuman primates shall be large enough to insure that each nonhuman primate contained therein has sufficient space to turn about freely and to make normal postural adjustments. Not more than 10 nonhuman primates shall be transported in the same primary enclosures.

(d) Nonhuman primates shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(e) Primary enclosures used to transport nonhuman primates shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

§ 3.87 Food and water requirements.

If nonhuman primates are transported for a period of more than 12 hours:

(a) Potable water shall be provided to each nonhuman primate at least once in each 12-hour period.

(b) Each nonhuman primate shall be fed at least once in each 24-hour period.

§ 3.88 Care in transit.

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

Statement of considerations. The notice of proposed rule making concerning the issuance of regulations and standards under the Laboratory Animal Welfare Act, published on December 15, 1966, has generated widespread public interest. The Department received more than 6,000 written communications which expressed the views and counterproposals of educational and research institutions, local, state and national organizations, and numerous individuals, interested in animal welfare. Many of such submissions were of a comprehensive nature and recommended conflicting courses of action. Consideration has been given to all views and comments submitted, as well as to other information available to the Department. The foregoing regulations and standards represent the Department's considered judgment as to the requirements to be imposed at this time in the light of presently available knowledge concerning the humane care of laboratory animals.

A large majority of the comments were directed to the issue of whether dogs should be released from cages periodically for exercise purposes. The evidence received on this issue was conflicting.

Many comments received by the Department from individuals and organizations outside the research community expressed the opinion that exercise should be required. These opinions were based on humane considerations and it was also suggested that the health of the dog would be improved by exercise thereby producing a better research specimen. A majority of the comments received from dealers and members of the research community expressed opposition to a mandatory exercise requirement. Some scientists stated that exercise of laboratory dogs is necessary and should be mandatory. On the other hand, some scientists felt that exercise was not at all essential to the health and well-being of the animal. The majority of scientists who commented based their opposition to a mandatory exercise requirement generally upon the contentions that current scientific knowledge does not justify the conclusion that mandatory removal of laboratory animals from enclosures for exercise is necessary or desirable for the health of the animals and that the cost of such a requirement would be prohibitive and would impede research. Many scientists also expressed the view that although the exercise of dogs outside their cages might be desirable under certain circumstances, it should not be mandatory under all conditions and the determination for the need of this type of exercise should be left to the professional judgment of the personnel of the research facility.

On the basis of the facts available it has been determined that the standards on space requirements should provide that enclosures housing dogs allow the dogs sufficient space to turn about freely and to easily stand, sit and lie in comfortable normal positions. A review of the available information concerning exercise reveals that such information consists mainly of observations on humans, and of observations and opinions based on research data with reference to exercise only in relation to the major objective for which the research project was designed. The Department believes that more definitive experimental justification is needed before a determination can be made whether exercise outside a cage should be included as a mandatory requirement.

A number of comments were received recommending that the regulations differentiate between dealers whose operations are limited to breeding and raising dogs or cats and dealers whose operations involve the acquisition of such animals from various sources. It was pointed out in this connection that many of the requirements made applicable to all dealers in the proposal are not necessary with respect to breeders to effectuate the purposes of the Act. Upon further consideration, the Department has determined that there is adequate basis for this differentiation and, therefore, the regulations provide for two classes of dealers—Class A, consisting of dealers who are breeders, and class B, consisting of all other dealers. Different

requirements are applicable to such classes of dealers with respect to identification of dogs and cats and the amount of license fees.

The Department's proposed method of determining the amount of the annual license fees for dealers was also a subject of considerable interest. Objections were made to the method of establishing such fees, the amount of the fees, and the failure to differentiate between breeders and other dealers. Suggestions were made that provisions be included permitting the fees to be paid quarterly rather than annually. In the light of such comments, and the provisions of the statute requiring that license fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed, the proposal concerning license fees has been modified to provide for a somewhat different method of establishing the fees, lower license fees, and different fees for the two classes of dealers. The suggestion that provision be made permitting quarterly payments of the license fees has not been adopted as it is not considered to be administratively feasible.

The provision contained in the notice of proposed rulemaking that the license fee shall accompany the application for a license has been deleted. It is now contemplated that the fee will be paid after a determination has been made that the license will be issued. In view of this change in procedure, the provision contained in the proposal for refunding a license fee if the license is not to be issued has been deleted as it is no longer necessary.

Objection was made by various educational institutions to the provision contained in the notice that a university or college rather than one or more of its schools or departments would be registered as a research facility. In addition, the suggestion was made by research organizations and pharmaceutical manufacturers that their divisions be permitted to register rather than the corporations. The Act provides for the issuance of cease and desist orders against research facilities that fail to comply with the provisions of the Act or the regulations thereunder and for civil penalties for the failure to obey such cease and desist orders. To effectuate these provisions and the purposes of the Act it is essential that the registrant be a legal entity. Accordingly, the proposal has been modified to provide that in any situation in which a school or department of a university or college is a separate legal entity and its operations and administration are independent of those of the university or college, the school or department will be registered rather than the university or college. Provision has also been made that a subsidiary of a business corporation rather than the parent corporation will be registered as a research facility unless the subsidiary is under such direct control of the parent corporation that to effectuate the purposes of the Act the Secretary determines that it is necessary that the parent corporation register as a research facility.

A number of objections were raised with reference to the proposed requirement that dealers and research facilities retain records for a period of 2 years. Upon further consideration it has been determined that the purposes of the Act will be effectuated if such records are retained for a shorter period. The retention period has, therefore, been changed to 1 year, except where written notice is given to the dealer or research facility that an investigation or proceeding is pending or contemplated and that specified records should be retained, in which event such records must be retained until further notice. Provision has also been made for a longer retention period when required to comply with Federal, State, or local law.

Various changes from the proposal were made in the Standards with regard to temperature requirements for the various animals. These temperature requirements were clarified by the use of the term ambient which is defined as the temperature surrounding the animal. Other changes in regard to the temperature requirements were made to take into consideration the fact that many animals, and in particular dogs, cats, and rabbits, are acclimated to temperatures lower than those generally prescribed in the standards.

A number of changes have been made which recognize practices or customs commonly used in the industry, and which the Secretary has determined are reasonable and humane. Such changes generally relate to lighting, availability of electricity under certain circumstances, shade, bedding in outside facilities, flooring in primary enclosures, maximum population in enclosures, and separation of sexes.

Provisions contained in the proposal for specific interior dimensions of cages have been modified to assure that the animal has adequate freedom of movement and at the same time permit greater latitude in the configuration of the cage design.

Various changes have been made in the regulations and standards for the purpose of clarification. A number of other changes have been made as a result of careful consideration of the views and comments received in response to the notice of rulemaking and other information available to the Department. All changes incorporated in the foregoing regulations and Standards take into consideration the views of other Federal agencies concerned with the welfare of animals used for research.

The Department proposes to provide for studies on environmental and behavioral factors influencing the health, comfort, and safety of animals being transported and maintained for research purposes, including the element of exercise. The Department also plans to make extensive visits to the premises of dealers and research facilities where research dogs are maintained to get information first hand on the subject of exercise through observing the dogs involved and discussing the overall problem with scientists and other individuals holding

opposing views on the subject. In addition, the Department plans to work closely on a continuing basis with representatives of other Federal agencies using laboratory animals so that their considerable knowledge in laboratory animal medicine can be fully utilized. Continuing consideration will be given to the modification of the standards in the light of further experience, research and scientific developments.

As heretofore noted the Department received 6,000 submissions in response to the notice of proposed rulemaking. The Act provides in effect that regulations and standards shall be promulgated by the Secretary not later than February 24, 1967. Although the Department has ex-

pedited this matter as much as possible, in view of the tremendous volume of submissions and the novel nature of the subject matter, it has not been possible for the Department to arrive at its final determinations in time to provide for an additional notice of rulemaking with further opportunity to submit views. Also, the widespread response to the original notice of rulemaking has afforded the Department the benefit of the views of all groups of affected persons.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice of proposed rulemaking is unnecessary and impracticable and the

regulations and standards may be made effective in less than 30 days after issuance thereunder.

The foregoing regulations and standards shall become effective upon publication in the *FEDERAL REGISTER*.

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 17th day of February 1967.

GEORGE W. IRVING, JR.,
Administrator.

[F.R. Doc. 67-2046; Filed, Feb. 23, 1967;
8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter 1—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—LABORATORY ANIMAL WELFARE

PART 2—REGULATIONS

Demonstration of Compliance With Standards

Pursuant to the provisions of the Act of August 24, 1966, § 2.3 of Part 2, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 2.3 Demonstration of compliance with standards.

Each applicant must demonstrate that his facilities comply with the standards set forth in Part 3 of this subchapter. This may be done in any manner which the Director deems adequate to effectuate the purposes of the act, such as the examination of the applicant's facilities by a Division representative or the submission of an affidavit by the applicant to the effect that his facilities comply with such standards. Any such affidavit shall be subject to such verification as the Director shall prescribe. Upon request by the Veterinarian in Charge, the applicant must make his facilities available at a time or times mutually agreeable to said applicant and the Division for inspection by a Division representative for the purpose of ascertaining compliance with said standards. If the applicant's facilities do not meet the requirements of the standards, the applicant will be advised of existing deficiencies and the corrective measures that must be taken before such facilities will be in compliance with the standards.

(Secs. 3 and 21, 80 Stat. 351 and 353; 7 U.S.C. 2133, 2151)

The Laboratory Animal Welfare Act becomes effective as to dealers on May 25, 1967. To avoid disrupting the operations of dealers subject to the act and interfering with the supply of dogs and cats for research purposes, it is essential that all eligible dealers subject to the act be licensed on or before that date. It has been found that the Department will be unable to inspect the facilities of all dealers subject to the act in time to complete the licensing of all such dealers within the specified period. The amendment will permit the initial licensing of dealers under alternate procedures which the Director deems adequate to effectuate the purposes of the act.

In view of the foregoing, it is found upon good cause that notice and other public procedure on this amendment are impracticable and contrary to the public interest, and the amendment may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

The amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of April 1967.

R. J. ANDERSON,
Acting Administrator.

[F.R. Doc. 67-4815; Filed, Apr. 28, 1967;
8:50 a.m.]

